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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,852	11/25/2003	Ryuichi Kusanagi	USUI-13R	9683
1218	7590	02/10/2005	EXAMINER	
CASELLA & HESPOS 274 MADISON AVENUE NEW YORK, NY 10016			BOCHNA, DAVID	
			ART UNIT	PAPER NUMBER
			3679	
DATE MAILED: 02/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 10/723,852	Applicant(s) KUSANAGI, RYUICHI	
	Examiner David E. Bochna	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 1, 3 and 6 are objected to because of the following informalities:

Claim 1, line 4, it is unclear what is meant by the phrase "in a caulked state".

Claim 1, lines 5-6, it is unclear what is meant by the phrase "in a state of being fitted".

Claim 3, line 2, it is unclear what is meant by the phrase "in a state of being fitted".

Claim 6, line 2, it is unclear what is meant by the phrase "in a state of being fitted".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Verdesca et al. in view of Poole.

In regard to claims 1, 3 and 6, Verdesca et al. discloses a common rail comprising:

A short body portion 31 formed of a thick tube body;

A securing flange 33 bonded to the body portion 31 on one end thereof;

A branch connector 36, 37, comprising a branch pipe fitting fitted into and bonded to a through hole formed on the body portion;

A cap 40 fitted in and bonded to openings (openings in 33) on both ends of the body

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portion 31. Verdesca et al. discloses using a gasket 41 instead having the cap 40 in a caulked state. Poole teaches that caulk 82 and gaskets 70 are well known equivalents in the art.

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the cap of Verdesca et al. to include caulk instead of a gasket, because the practice of substituting caulk for a gasket is well known in the art, as demonstrated by Poole.

4. Claims 2, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verdesca et al. in view of Poole. Verdesca et al. in view of Poole discloses a common rail as described above, but does not specifically disclose that one end of the rail has a smaller diameter than the other or that the body portion thickness is 3 to 15 mm. However, it would have been obvious to one of ordinary skill in the art to make one side of the rail smaller or to change the thickness of the pipe wall because a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

5. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verdesca et al. in view of Poole. Verdesca et al. in view of Poole discloses a common rail as described above, but does not specifically disclose that the body portion is made out of steel. However, it would have been obvious to one of ordinary skill in the art to make the body portion out of steel because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Creager et al., Baas, Watts et al., Helme, Anglis, Laux and Japanese Patent 11241798 all disclose similar couplings common in the art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


David Bochna
Primary Examiner
Art Unit 3679
February 7, 2005